



10 MAR 29 P1:46
PROCUREMENT OFFICE
STATE OF HAWAII

STATE PROCUREMENT OFFICE
NOTICE OF AND REQUEST FOR EXEMPTION
FROM CHAPTER 103D, HRS

1. TO: Chief Procurement Officer
2. FROM: DLNR Division of Forestry and Wildlife

Department/Division/Agency

Pursuant to §103D-102(b)(4), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

3. Description of goods, services or construction:

Reimbursement of due diligence costs to land trust nonprofits for eligible conservation easements. Under DLNR's agreement with USDA for the Hawaii Conservation Reserve Enhancement Program (CREP), the Dept may provide financial assistance to further the goals of CREP as match for the federal funds provided to the program (block grant); more specially DLNR may provide funding to support conservation easements acquisitions on private lands. Conservation easements are required by the federal and state law to be held by nonprofit (501c3- land trust) or government agencies with a conservation mandate. Thus under our CREP agreement/proposal with USDA, DLNR may support eligible conservation easements (the easement must be on agricultural lands and must limit any future development on that land), and would like to reimbursement eligible nonprofit agencies that have closed on conservation easements in the last year for appropriate due diligence in support of the overall project. Due diligence is required to close a conservation easement acquisition which may include, but is not limited, to costs associated with appraisals, environmental site assessments, baseline documentation reports, land survey and mapping, mineral right evaluation, among others.

4. Name of Vendor: TBD - multiple

Address: TBD *VA*

5. Price:

\$1000-15000

est. \$50,000 + a year

6.

Term of Contract:

From: 7/1/2010

To: 6/30/2015 *VA*

7. Prior Exemption Ref. No.

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State: Each reimbursement request will be for different conservation easement projects (ie: on different properties and locations and by various nonprofit agencies) and will likely be for different due diligence costs (ie: appraisals vs environmental site assessments vs land surveys, etc) depending on the project and the nonprofit's needs. DLNR will make multiple awards to the eligible nonprofits depending on the availability of funding. Evaluation of requests will be based on those projects that are most closely aligned to Hawaii CREP and the goals and objectives of the program proposal to USDA. Reimbursement for due diligence costs to nonprofits is in the State best interest to verify that the conservation easement is closed and in protected status before expend funding (in many cases conservation easements may fall though for multiple reasons).

9. Details of the process or procedures to be followed in selecting the vendor to ensure maximum fair and open competition as practicable:

DLNR will call for eligible nonprofit agencies to submit reimbursement requests for conservation easement due diligence costs. This request will be send to all eligible nonprofit land trust agencies in the state as well as published on the DOFAW website (www.hawaii.gov/dlnr/dofaw/). All requests will be evaluated and ranked for award by an evaluation committee on the project relevance to Hawaii CREP, status of easement closing, total cost of acquisition, location of easement (within CREP eligible lands), protection level afforded by the easement, and cost of due diligence. The State CREP Coordinator will assist the evaluation committee in determining the relevance of the project to Hawaii CREP as well as the eligibility of the various nonprofit agencies. DLNR will likely make multiple awards based on availability of funding and the evaluation committee's ranking for the project (estimated ranging of due diligence costs is \$1,000 to \$15,000).

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

10. A description of the agency's internal controls and approval requirements for the exempted procurement:
All submitted requests will be evaluated and ranked for award by an evaluation committee, which will include at least three state employees, USDA representative, and the State CREP Coordinator who will determine nonprofit eligibility and relevance to the program based on the larger USDA CREP goals and objectives. Requests selected and ranked by the evaluation committee will be approved by the Division Administrator and Department Chairperson (Dept Procurement Officer) prior to award.

12. A list of agency personnel, by position, who will be involved in the approval process and administration of the contract:

Name	Position	Involvement in Process	
M. Irene Sprecher	State CREP Coordinator	<input type="checkbox"/> Approval	<input checked="" type="checkbox"/> Administration
Connie Laumann	USDA CREP Program Manager	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Paul Conry	DOFAW Administrator	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
Laura Thielen	DLNR Chairperson	<input checked="" type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration
		<input type="checkbox"/> Approval	<input type="checkbox"/> Administration

13. Direct inquiries to:

Department: DLNR - DOFAW
Contact Name: Irene Sprecher
Phone Number: 587-4167
Fax Number: 587-0160

Agency shall ensure adherence to applicable administrative and statutory requirements

14. *I certify that the information provided above is, to the best of my knowledge, true and correct.*

RWK

Department Head



Date

3/24/10

Reserved for SPO Use Only

15. Date Notice Posted

3/20/2010

The Chief Procurement Officer is in the process of reviewing this request for exemption from Chapter 103D, HRS. Submit written objections to this notice to issue an exemption from Chapter 103D, HRS, within seven calendar days or as otherwise allowed from the above posted date to:

Chief Procurement Officer
State Procurement Office
P.O. Box 119
Honolulu, Hawaii 96810-0119

REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS (Cont.)

Chief Procurement Officer's comments:

This approval is based on the DLNR's representation that reimbursement of due diligence costs is an allowed expenditure towards the matching of federal funds agreed between the US Department of Agriculture commodity Credit Corporation and the State of Hawaii.

This approval is for the solicitation process only, HRS section 103D-310(c) and HAR section 3-122-112, shall apply. Department is reminded that procurements \$2,500 or more are required to be posted on the Procurement Reporting System.

16.



APPROVED



DISAPPROVED



NO ACTION REQUIRED

Alans. J. J. J. 4/28/2010
Chief Procurement Officer Date